

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

WAGE & BENEFIT INCREASE – RESPIRE & SUPPLEMENTAL WORKERS

The California Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 3, Sections 57310, 57332, and 57530.

DDS is proposing various amendments to the existing regulations in order to provide an increased rate for individuals who provide respite services to developmentally disabled individuals in California

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on September 21, 2001. DDS will only consider comments received at its headquarters by that time. Please submit all comments to the DDS contact persons as designated below.

PUBLIC HEARING

Two public hearings are scheduled. A public hearing to receive oral and written comments is scheduled for 10:00 a.m. on September 21, 2001. This hearing will be held at 714 P Street, Room 102 (auditorium), Sacramento, California. Another public hearing to receive oral and written comments is scheduled for 10:00 a.m. on September 10, 2001. That hearing will be held at the Junipero Serra State Building, 320 West Fourth Street, Carmel Room, Section A, Los Angeles, California. DDS requests that persons who make oral comments at either public hearing submit a written copy of their testimony at that hearing. The hearing locations have wheelchair access.

AUTHORITY AND REFERENCE

Authority: Chapter 722, Statutes of 1992, Section 147; Welfare and Institutions Code Sections 4690, 4690.1, 4690.2, 4691, and 4691.5.

Reference: Welfare and Institutions Code Sections 4648, 4690, 4690.1, 4690.2, 4691, and 4691.5; Budget Act of 2000-01, Item 4300-101-0001.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Low wages for direct care staff have led to difficulties in recruiting and retaining direct care staff who provide critically needed services to developmentally disabled consumers. The wage and benefit increase granted by the legislature in the 2000-01 Budget Act will decrease the movement

of workers out of the respite care industry to other jobs.

The proposed regulations would increase the maximum reimbursement rate for in-home respite workers to \$8.57 per hour, including benefits, effective July 1, 2000, and would increase the maximum reimbursement rate for family members of consumers who procure respite services utilizing a voucher to \$8.57 per hour, including benefits, effective March 1, 2001. The proposed regulations would also increase the maximum reimbursement for staff who provide assistance to non-mobile consumers in community-based day programs by increasing the staff's minimum wage portion by 10%, and increasing the staff's benefit factor by 20% of the prevailing wage, effective July 1, 2000.

SMALL BUSINESS DETERMINATION

DDS has determined that the proposed regulations will affect small business.

LOCAL MANDATE DETERMINATION

DDS has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, 3) other nondiscretionary costs or savings imposed on local agencies, or 4) costs or savings in federal funding to the state. DDS has determined that the proposed regulatory action will cost approximately \$300,000 in Fiscal Year 2000-2001, but that the Department will be able to absorb these costs within its existing budget and resources.

ECONOMIC IMPACT AND BUSINESS ASSESSMENT

The proposed action has been assessed relative to the extent that it will create new jobs within the State of California, help in the creation of new business within the State and the expansion of businesses currently doing business within the State of California. The proposed action has also been assessed relative to the extent that it will eliminate any jobs within the State of California, help in eliminating business within the State or inhibit the expansion of businesses currently doing business within the State of California. Based on DDS's findings, it is anticipated that the proposed action will have a positive effect on the creation of new jobs and businesses, but will have no economic effect on the elimination of existing jobs and businesses within the state, nor will it have an economic effect on the expansion of businesses currently doing business within the State of California.

DDS has made an initial determination that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states, or 2) a significant effect on housing cost.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES CONSIDERED

DDS must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of DDS would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearings.

CONTACT PERSON

Comments and inquiries concerning the proposed action may be directed to:

Attention: Julia Johnson
Department of Developmental Services
Office of Regulations
1600 Ninth Street, Room 240, MS2-14
Sacramento, California 95814

E-mail: jjohnso4@dds.ca.gov
Phone: (916) 651-6958
Facsimile: (916) 654-1716

If Ms. Johnson is unavailable, comments and inquiries concerning the proposed action may be directed to:

Attention: David Judd
Department of Developmental Services
Office of Regulations
1600 Ninth Street, Room 240, MS2-14
Sacramento, California 95814

E-mail: djudd@dds.ca.gov
Phone: (916) 654-2257
Facsimile: (916) 654-1716

Inquiries regarding the substance of the proposed action may be directed to:

Steven Rodriguez

E-mail: srodrigu@dds.ca.gov

Phone: (916) 654-1961

AVAILABILITY OF RULEMAKING DOCUMENTS

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the internet at www.dds.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. If the text is modified, the text may be viewed over the internet at www.dds.ca.gov. Additionally, requests for the modified text should be made to the contact persons named above.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons is available, it may be viewed over the internet at www.dds.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact persons named above.